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7 CARLA CAMARGO,  
8 Plaintiff,  
9 v.  
10 MILTON MILTIADOUS,  
11 Defendant.

Case No. 14-cv-04490-JSC

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**ORDER FOR SUPPLEMENTAL  
BRIEFING RE: REQUEST FOR  
DEFAULT**

23 Re: Dkt. No. 33

24 Over a year ago, Plaintiff Carla Carmago filed this civil action against Defendant Milton  
25 Miltiadous and Does 1-10 alleging various tort claims arising from defamatory statements  
26 Defendants allegedly posted regarding her on several internet sites. The Court granted several  
27 extensions of time for Plaintiff to serve Miltiadous, an Australia citizen and resident of Tokyo,  
28 Japan. On December 1, 2015, Plaintiff filed an affidavit of service for of the summons and  
complaint. (Dkt. No. 30.) The affidavit indicates that Tatushiko Kinoshita served Defendant  
Miltiadous at a specified address using “delivery services” on October 30, 2015. (*Id.* at ¶ 2.) The  
affidavit further states that “[o]nce the documents above noted were delivered to the address above  
noted and were received by a resident of it, however, the documents were sent back to me.” (*Id.* at  
¶ 3.)

29 At the Case Management Conference on December 3, 2015, Plaintiff’s counsel represented  
30 that service had been made on Defendant Miltiadous in multiple forms and clarified the statement  
31 in Mr. Kinoshita’s declaration. Plaintiff was ordered to file her motion for default with the Court  
32 by December 31, 2015. Plaintiff was instructed to include **everything** to show service, including  
33 any further declarations, citation to Japanese law regarding service, and any information about  
34 other forms of service on Defendant. Plaintiff’s subsequently filed request for default fails to  
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1 include the information requested by the Court and makes no showing as to how service on  
2 Defendant was made in accordance with Federal Rule of Civil Procedure 4(f)'s requirements for  
3 service of a foreign defendant. The motion does not even reference Rule 4, the Hague  
4 Convention, or any Japanese law governing service of process. Instead, it simply states that  
5 "Plaintiff effected personal service of the Summons and Complaint on Defendant Miltiadous on  
6 October 30, 2015, as evidenced by the Declaration of Service on file with this Court." (Dkt. No.  
7 33 at 1.) This is inadequate to establish service on a foreign defendant.

8 Accordingly, Plaintiff shall file a supplemental brief regarding her request for default that  
9 demonstrates, in accordance with Federal Rule of Civil Procedure 55(a), that Defendant  
10 Miltiadous failed to appear after he was properly served in accordance with Rule 4(f). Plaintiff  
11 shall file her supplemental brief on or before January 20, 2016.

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13 **IT IS SO ORDERED.**

14 Dated: January 6, 2016

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17 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge